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From: CN=Karen Schwinn/OU=R9/O=USEPA/C=US
Sent: Thur 5/6/2010 7:09:44 PM
Subject: Follow-up to May 5 meeting with Jared

Hi David -

Glad you got to meet Jared yesterday. Teddy and Erin both told me it was a nice meeting. They also said you had asked about the timing of our planned ANPR relative to the various state activities and the BDCP. I'll try to answer that but feel free to call Tom, Erin or I for elaboration.

First, on the timing of the ANPR - its a bit unpredictable. Our work has been slowed as the same EPA staff working on the ANPR are working on other Delta matters, including BDCP. We also don't know the review time in EPA-HQ. But I'm trying to remain hopeful that we could issue it in early summer.

We will remain in communication with State and Regional Water Board staff as the ANPR is drafted. As you know, the Boards have a tremendous amount of work in process related to Delta water quality. There is also some key research underway related to some of the water quality issues. We are using the ANPR, and the subsequent review and synthesis of any public input we receive, to take stock of these activities. As the Interim Federal Plan states, EPA "will assess the effectiveness of the current regulatory mechanisms designed to protect water quality in the Delta and its tributaries, including standards for toxics, nutrients, and estuarine habitat protection." That's basically a statement of our Clean Water Act oversight role. Within one year, we intend to make findings and recommendations which will inform ourselves and the other agencies as we collectively proceed with appropriate water quality regulation.

With respect to the BDCP, any input we offer on alternative operations that ought to be considered will reflect the same priorities that we will outline in the ANPR, specifically protection of estuarine habitat. And this will be informed by the ongoing State Board process to develop flow criteria.

We remain interested in coordinating our work with the second phase of the NAS review. If the scope of that review has been developed, can you please pass it on to us?

Talk to you soon - Karen

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